

REMARKS

I. Status of the Claims

Claims 14, 16, 22-43 are pending in the application, claims 1-13 having been canceled previously, and claims 15, and 17-21 having been canceled in the previous response. Claims 24, 26 and 31-43 have been withdrawn. Claims 14, 16, and 22, 23, 25 and 27-30 stand rejected under 35 U.S.C. §§103. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Objection to the Abstract

The examiner has again objected to the abstract. Applicants have provided additional amendments addressing the objection.

III. Rejection Under 35 U.S.C. §103

Claims 14, 16, 22, 23, 25 and 27-30 remain rejected as allegedly obvious over the '995 patent in view of Touchot *et al.*, Yao *et al.*, and Park *et al.* The '995 patent is said to teach Raf GTPase screening assays, but fails to teach anything regarding Rab GTPases. In point of fact, none of the secondary reference says anything regarding Rab GTPases either. *It is black letter law that the cited references must provide a teaching of each element of the claimed invention.* See MPEP §2142 ("To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim*

limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)") (emphasis added). This is not, therefore, a case of applicants making "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references" as alleged. To the contrary, applicants have pointed to a **specific** claim limitation that is glaringly absent from the cited references. Thus, the rejection is fatally flawed on its face.

Next, the examiner refers to the "immortal" nature of applicants' *in vivo* arguments. Applicants fail to see any mention of *in vivo* in their previous response, and thus it is quite unclear what the examiner refers to. If the examiner is referring to the distinct *in cyto* effects of Rab signaling, applicants submit that this is *quite* material, as it goes to the question of why one would look at Rab GTPase family signaling. Without such information, a *prima facie* case of obviousness has no foundation. Thus, applicants submit again that the failure of the examiner to cite *any* art relating to Rab GTPases renders the rejection improper.

The examiner also attempts to undercut applicants' position by selectively quoting from their first response. However, the *full* quotation is as follows: "Though the interaction of a small GTPase with effectors and regulators is a conserved mechanism that can be applied for the entire family of Ras-like GTPases, *the functional principle of Rab proteins is completely different from other GTPases in terms of downstream function and mode of action*" (emphasis added). Thus, in contrast to the examiner's suggestion, this statement does not support the rejection.

In conclusion, the examiner has again overlooked (a) the legal insufficiency of failing to cite even one reference that discusses Rab GTPases, as well as (b) the unpredictability inherent in the question of whether Rab GTPases will function the same as other Ras GTPases. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited. Please date stamp the enclosed postcard as evidence of receipt.

Respectfully submitted,

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